S.B.Civil Writ Petition NO.319/2005
M/s. D.C. Construction Co.

vs

State of Rajasthan & Ors.

DATE OF ORDER : - 17.1.2005

HON'BLE MR. PRAKASH TATIA,J.

Mr. G.R.Goyal, for the petitioner.

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Heard learned counsel for the petitioner.

The petitioner is aggrieved against the order dated 31.12.2004 (Anne.15) by which the respondents by exercising powers under Clause 32 of the agreement withdrawn the work from Kms. 8.000 to 9.700.

According to learned counsel for the petitioner as per the condition (5) of the agreement, the petitioner-contractor had right to apply for extension of time and the petitioner submitted application for extension of time on 4th June, 2004 and, thereafter, on 13th Sept., 2004. The respondents without deciding that application for extension of time, withdrawn the part of the contract. According to learned counsel for the petitioner , the clause (5) of the agreement clearly provided that in case reasons exist, the extension shall be granted and the authority

shall not even wait for the finality of the work.

I considered the submissions of learned counsel for the petitioner and perused the documents placed on record by the petitioner.

It appears that the petitioner's application dated 13th Sept., 2004 was duly replied by the respondents and the respondents have come up with a case that petitioner's work was sub-standard and the cement and water was made available to the petitioner from June, 2004, but the petitioner is not taking interest in the work. The respondents also alleged that petitioner is coming up with excuses only. The petitioner was by this reply dated 9th Dec., 2004 (Annex.11) was directed to remove the defects. After this notice, the order Annex.15 was passed.

Learned counsel for the petitioner submits that no action has been taken against the petitioner for any sub-standard work and it is also submitted that the part of the work has been withdrawn from the petitioner. Be that as it may, it appears that the petitioner wants to raise several disputed questions of facts by this writ petition and this court deems it proper not to provide this opportunity to the petitioner in writ jurisdiction. The petitioner has effective alternate remedy also for the redressal of his grievance by moving before the competent authorities.

In view of the above, the writ petition of the petitioner is dismissed.

(Prakash Tatia), J.

c.p.goyal/-